

JOURNAL OF THE HOUSE.

Friday, September 8, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God our Creator, in whom we place our trust and hope, we pray for Your gift of wisdom which empowers us to cope with and to address correctly each day's opportunities and challenges for serving Your people and the common good. On the eve of the fifth anniversary of the World Trade Center disaster and tragedy, we remember in our thoughts and prayers the victims and their families. Inspire us, as citizens of this nation, to unite, work together and plan for the safety of the people and of this country in this changing world. Teach us to learn from our past successes and failures as we prepare to meet current needs and plan for the future of the people and our communities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato of Medford), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill establishing the Cohasset Library Trust, Inc. [see House, No. 4840, amended] (for message, see House, No. 5289) was filed in the Office of the Clerk on Thursday, September 7.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Bradley of Hingham, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill requiring triple damage for wage violations [see House, No. 4663] (for message, see House, No. 5290) was filed in the Office of the Clerk on Thursday, September 7.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

*Resolutions.*Anne M.
Paulsen.

Resolutions (filed with the Clerk by Mr. Smizik of Brookline) honoring Representative Anne M. Paulsen for her efforts to protect the natural resources of the Commonwealth of Massachusetts, were referred, under Rule 85, to the committee on Rules.

Mr. Petrolati of Ludlow, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Balser of Newton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Papers from the Senate.*Crimes
against
children.

The House Bill increasing the statute of limitations for sexual crimes against children (House, No. 5234, amended) came from the Senate with the endorsement that said branch had receded from its amendment in section 6; and insisted on its amendments in sections 7 and 8 and inserting sections 7A and 9A, in which the House had non-concurred (as appearing in the House Journal for August 10).

On motion of Mr. O'Flaherty of Chelsea, the House then receded from its non-concurrence with the Senate in its amendments in sections 7 and 8 and inserting sections 7A and 9A.

Messrs. O'Flaherty and Golden of Lowell then moved that the House concur with the Senate in its amendments with further amendments by striking out sections 8, 9 and 10 (as printed) and section 9A (as inserted by the Senate) and inserting after section 7A (inserted by amendment by the Senate) the following two sections:

"SECTION 8. Chapter 277 of the General Laws is hereby amended by striking out section 63, as so appearing, and inserting in place thereof the following section:—

Section 63. An indictment for murder may be found at any time after the death of the person alleged to have been murdered. An indictment or complaint for an offense set forth in section 13B, 13F, 13L, 22A, 23 or 24B of chapter 265, for conspiracy to commit any of these offenses, as an accessory thereto, of any 1 or more of them may be found and filed at any time after the date of the commission of such offense; provided, however, that any indictment or complaint found and filed more than 27 years after the date of commission of such offense shall be supported by independent evidence that corroborates the victim's allegation. Such independent evidence shall be admissible during trial and shall not consist exclusively of the opinions of mental health professionals. An indictment for an offense set forth in sections 22 and 24 of chapter 265, or for conspiracy to commit any of these offenses or as an accessory thereto or any 1 or more of them may be found and filed within 15 years of the date of commission of such offense. An indictment for an offense set forth in sections 17, 18, 19 and 21 of said chapter 265 or section 17 of chapter 272, for conspiracy to commit any such crime, as an accessory thereto, or any 1 or more of them may be found and filed within 10 years of the date of commission of such offense. An indictment for any other crime shall be found and filed within 6 years after such crime has been committed; provided, however, that any period

during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limited.

Notwithstanding the foregoing provisions, if a victim of a crime set forth in section 13B, 13F, 13H, 22, 22A, 23, 24B, or 26A of chapter 265, or section 1, 2, 3, 4, 4A, 4B, 5, 6, 7, 8, 12, 13, 17, 26, 28, 29A, 29B, 33, 34, 35 or 35A of chapter 272 is under the age of 16 at the time such crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, whichever occurs earlier.

SECTION 9. Section 368 of chapter 26 of the acts of 2003 is hereby amended by striking out, in lines 2 and 18, the figure '\$50' and inserting in place thereof, in each instance, the following figure:— '\$75.'"

The further amendments were adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendments.

A Bill relative to a special election in the town of East Brookfield (printed in Senate, No. 2718) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

East
Brookfield.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it passed to be engrossed, in concurrence.

A communication the Hampden County Sheriff's Office relative to corrective measures taken pursuant to a Department of Public Health inspection of the Hampden County Sheriff's Department and Correctional Center on May 31 and June 6, 2006 was spread upon the records of the House; and returned to the Senate.

Hampden
County
Sheriff's
Office.*Reports of Committees.*

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill for a special law re: Thomas Dynan (House, No. 4998) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,
Thomas
Dynan.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the board of the health of the town of North Andover (House, No. 4863) be scheduled for consideration by the House.

North
Andover,
board of
health.

Under suspension of Rule 7A, on motion of Mr. Patrick of Falmouth, the bill was read a second time forthwith; and it was ordered to a third reading.

Leo Shea,
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establish a sick leave bank for Leo D. Shea, an employee of the Trial Court (House, No. 5252) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

North
Andover,
health
insurance.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to the town of North Andover (House, No. 4864) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Kathleen
Tessier,
sick leave.

The engrossed Bill establishing a sick leave bank for Kathleen Tessier, an employee of the Department of Revenue (see House, No. 5038, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills
enacted.

Engrossed bills
Exempting Craig Blake from the maximum age requirements for appointment as a firefighter in the town of Norton (see Senate, No. 2568);

Relative to the charter of the town of Walpole (see Senate, No. 2581, amended);

Authorizing the transfer of certain parcels of land in the city of Taunton (see Senate, No. 2666);

Establishing additional economic target areas (see Senate, No. 2673); (Which severally originated in the Senate); and

Further regulating hearings for residents of nursing facilities (see House, No. 2681, changed) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill exempting from inspection certain electrical substation air tanks (Senate, No. 2696), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Establishing a tourism revenue preservation fund in the town of Yarmouth (House, No. 4945, changed);

Authorizing the town of Norwood to lease certain land (House, No. 5015); and

Authorizing the town of Ipswich to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5182);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third
reading
bills.

The House Bill further regulating horse and greyhound racing (House, No. 5221) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop moved that it be amended by substitution of a Bill relative to horse and greyhound racing in the Commonwealth (House, No. 5291), which was read.

Pending the question on adoption of the amendment, Mr. Flynn of Bridgewater and other members of the House moved that the proposed substitute bill be amended by striking out section 4 and inserting in place thereof the following section:

“SECTION 4. Section 2 (2) of Chapter 128C is hereby amended by striking said subsection (2) and inserting in place thereof the following section:—

(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing, except during the live racing performances of the running horse racing meeting licensee located in Suffolk County; plus the entire racing cards from any 2 running horse racing meetings in the state of California, and simulcasts of the Suffolk county running horse racing meeting licensee's live races during its racing performances and 2 companion cards; and (c) a total of 4 harness horse racing performances on any day of the calendar year, provided, further, that the licensee shall (i) simulcast in a fair and equal manner the racing card from the harness horse racing meeting licensee located in Norfolk county and pay therefore at the rate of 11 per cent and (ii) simulcast a minimum of 3 interstate harness horse racing cards, if available, and pay to the harness horse racing meeting licensee located in Norfolk county a 6 per cent premium with respect to any interstate harness horse simulcasts received, over and above the cost of obtaining such simulcasts. The greyhound dog racing meeting licensee shall pay to the running horse racing meeting licensee located in Suffolk county a fee of 11 per cent for the intrastate running horse simulcasts and shall pay a 3 per cent premium with respect to any interstate running horse simulcasts received, over and above the cost of obtaining such simulcasts,

Greyhound
racing.

Greyhound
racing.

except with respect to the special events, so-called, for which no premium need be paid.”.

The further amendment was adopted.

The amendment, as amended, also was adopted; and the substituted bill was passed to be engrossed. Mr. Flynn of Bridgewater moved that this vote be reconsidered and the motion to reconsider, as amended, was considered forthwith; and it was negatived. The bill (House, No. 5291, printed as amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

At eight minutes before twelve o'clock noon, on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.